Admiral James M. Loy, National Co-Chair Former Deputy Secretary, Department of Homeland Security Commandant, U.S. Coast Guard (Retired) James Lee Witt, National Co-Chair Former Director, Federal Emergency Management Agency Chief Executive Officer, International Code Council



#### **Resolutions Supporting a National Catastrophe Plan**

United States Conference of Mayors

National Association of Insurance Commissioners

National Conference of Insurance Legislators

Southern Governors' Association

Louisiana House Concurrent Resolution 17

Florida Senate Bill 118

Florida Governor and Cabinet Resolution

Hawaii HCR 64

California Seismic Safety Commission



Celebrating 75 Years

#### Adopted Resolution June 2007

#### CREATING A COMPREHENSIVE INTEGRATED NATIONAL CATASTROPHE FUND

WHEREAS, every U.S. city plays a vital front line role in preparing and protecting their residents from the ravages of natural catastrophic events;

WHEREAS, every state is vulnerable to natural catastrophes including hurricanes, tornadoes, floods, earthquakes, blizzards, and wildfires;

WHEREAS, there is an increase in the incidence of major natural catastrophes and their increasingly costly nature;

WHEREAS, there have been significant contraction in insurance availability and significant increase in costs for consumers;

WHEREAS, Hurricanes Katrina, Rita, and Wilma, which struck the United States in 2005, caused well over \$200 billion in total economic losses, including both insured and uninsured losses;

WHEREAS, the United States federal government has provided and will continue to provide billions of after-event appropriated dollars and resources to help our nation recover from catastrophes, including hurricanes, tornadoes, earthquakes, blizzards and other disasters, at huge cost to all American taxpayers;

WHEREAS, the United States federal government has a critical interest in ensuring appropriate and fiscally responsible risk management and pre-planning for catastrophes through measures such as loss prevention and mitigation, improved public education and effective emergency management services;

WHEREAS, the U.S. Congress has had under consideration, but taken no action on multiple proposals over the past decade to address natural catastrophic risk insurance, including the creation of a national catastrophe financial backstop program and revision of the Federal tax code to allow insurers to build tax-deferred catastrophe funds;

NOW, THEREFORE, BE IT RESOLVED, That The United States Conference of Mayors strongly urges Congress to adopt legislation creating a comprehensive, integrated national catastrophe plan (which includes the participation of states)to better prepare and protect American homeowners from inevitable, large-scale natural catastrophes that includes a financial backstop supported by actuarially sound premiums to improve the availability of reasonably priced property and casualty insurance from private markets to homeowners throughout the nation.



#### 2006 Amended Resolution in Support of a Comprehensive Legislative Solution To The Problems Presented by Natural Catastrophic Exposures For the Benefit of All Americans May 30, 2006

WHEREAS, the National Association of Insurance Commissioners, by Resolution passed in 1995 and reaffirmed in December 2005, recognized the importance of developing additional insurance capacity to insure the viability of coverage for catastrophic natural perils by endorsing the concept of a national disaster plan; and

WHEREAS, the National Association of Insurance Commissioners has recognized the implementation of a national natural disaster plan in response to catastrophic natural disasters by continuing the charge of the Catastrophe Insurance Working Group of the Property and Casualty Insurance ( C ) Committee, and consistent with guiding principles previously established and endorsed by the NAIC, and

WHEREAS, the United States continues to experience growth and development in catastrophe-prone areas, particularly along America's coasts and near known earthquake faults; and

WHEREAS, meteorologists predict more frequent and more powerful hurricanes in the future, and geoscientists are discovering the existence of dangerous "blind" thrust faults in populated regions; and

WHEREAS, the growing threat of extreme losses caused by natural disasters is causing a shortage in private homeowners insurance coverage and a serious increase in insurance premiums in areas exposed to natural catastrophes; and

WHEREAS, the lack of private insurance coverage and higher insurance premiums deprive Americans of adequate protection for their most valued and prized possession – their homes; and

WHEREAS, the lack of catastrophic insurance coverage in many federally guaranteed residential mortgages represents a potential systemic risk to the financial system;

WHEREAS, the lack of adequate and sufficient insurance protection places greater pressure on both the state and federal governments to assist the victims of natural catastrophes; and

WHEREAS, in the intervening years no comprehensive national natural disaster plan has yet been implemented and if nothing is done, society as a whole, and the taxpayer in particular, faces potentially much larger burdens for future disaster relief and payments under federal mortgage loan guaranty programs;

NOW THEREFORE IT IS RESOLVED, in order to better protect America's homes in an economical and efficient manner and to reduce the demands for financial assistance from the state and federal governments that depend on general revenue sources for extreme losses caused by natural catastrophes, the National Association of Insurance Commissioners (NAIC) hereby urges Congress to create a Federal Natural Catastrophe Preparedness Commission to hold in-depth hearings. The hearings should consider the feasibility of adopting measures that, among other things, would:

- (1) Create strong incentives for states to adopt internationally recognized, risk-based building codes that will save lives and reduce potential losses for new homes and buildings;
- (2) Create incentives for affordable and effective catastrophe loss mitigation efforts, including retro-fitting of existing properties, to make existing housing stock stronger and safer. Consideration should be given for the federal government to work with state insurance regulatory leaders, consumers and other related or interested industries including, but not limited to; mortgage lenders, contractors, real estate developers, taxing authorities and federal, state and local emergency or catastrophe relief programs;
- (3) Encourage states but not mandate them to establish privately funded, tax-exempt entities, called "catastrophe funds," through which private insurance companies can have money set aside for covered losses, tax-free and before a natural disaster occurs;
- (4) Allow individual insurance companies the ability to accumulate reserves on a tax-deferred basis to respond to natural disasters;
- (5) Allow the state catastrophe funds to purchase high levels of protection from the federal government for extreme events, with the price for such protection being actuarially sound and reflective of the difference of risk among the participating state funds;
- (6) Create a framework that builds upon and enhances the best practices and expertise of the system of state based regulation and encourages (i) greater preparedness before catastrophes strike, including recommendations for limitations on development in areas where the risk of loss is heightened due to natural catastrophes, (ii) prompt community redevelopment after a catastrophe to ensure the recovery of the local economy and continued payment of mortgages; and (iii) continuous oversight, evaluation and improvement in the operation, administration and integration of local, state and national systems of preparedness and protection;
- (7) Establish a Federal Reinsurance Program under the direction of the newly established Federal Natural Catastrophe Commission that will determine eligibility for the program, pricing the reinsurance contracts and supporting mitigation efforts;
- (8) Evaluate the ability of the insurance industry to provide coverage for the various types of catastrophic events and ways in which state and possible federal catastrophic programs may impact the utilization of insurance industry capacity;
- (9) Evaluate whether a national backstop for mega-catastrophes might attract more insurance capital, thus increasing competition and resulting in a more affordable cost of property coverage in catastrophe prone areas in the United States;

FURTHER RESOLVED, the NAIC pledges its resources and expertise to assist Congress in the drafting of legislation that will help Americans find private insurance protection from natural catastrophes for their homes while reducing the demands on governmental resources to assist victims after an event occurs.



#### NATIONAL CONFERENCE OF INSURANCE LEGISLATORS

#### Resolution Regarding Catastrophic Natural Disaster Insurance Issues

Amended and adopted by the NCOIL Property-Casualty Insurance Committee on February 24, 2006, and by the NCOIL Executive Committee on February 25, 2006.

Resolution originally adopted by the NCOIL Property-Casualty Insurance and Executive Committees on July 16, 2004.

WHEREAS, the massive devastation wrought by Hurricanes Katrina, Rita, and Wilma in 2005 demonstrated the farreaching consequences of catastrophic events and the need for a multi-pronged approach to disaster management; and

WHEREAS, a catastrophic natural disaster such as Hurricane Katrina can lead to economic devastation throughout the country, including in the many states in which the event did not occur; and

WHEREAS, scientists warn that an even more damaging, \$100 billion storm is inevitable and predict particularly active hurricane seasons in years to come; and

WHEREAS, other recent natural disasters—including wildfires in California and tornadoes and flooding throughout the Midwest—have caused millions of dollars in insured losses and the displacement of thousands of consumers; and

WHEREAS, natural hazards including volcanoes in the Pacific Northwest and Hawaii, and earthquakes in the West and along the Midwest's New Madrid fault line, continue to threaten insurance markets and consumers across the nation; and

WHEREAS, NCOIL has repeatedly encouraged congressional enactment of appropriate natural disaster insurance legislation, including consideration of a federal reinsurance program and allowance for tax-deferred catastrophe reserves for natural disaster exposures; and

WHEREAS, additional options must be considered before natural disaster risks can effectively be mitigated; and

WHEREAS, the National Association of Insurance Commissioners (NAIC) has proposed a national, multi-layered catastrophe program and is working toward developing comprehensive mega-catastrophe policy; and

WHEREAS, the NAIC proposal would rest primary responsibility on the private insurance market and consumers, followed by state/regional catastrophe funds and the federal government, and would incorporate proposals regarding federal reinsurance and tax-deferred reserves; and

WHEREAS, NCOIL has strong concerns with many details of the NAIC proposal, but does support the concept of a national mega-catastrophe program; and

WHEREAS, implementation of a national system will require the coordinated efforts of legislators, regulators, insurers, and other interested parties;

NOW, THEREFORE, BE IT RESOLVED that NCOIL, among other things,

- supports the preservation of state regulation over the business of insurance
- will work in concert with the NAIC to investigate options for a national, natural disaster insurance program
- supports a federal role in catastrophe legislation as expressed elsewhere in this resolution and welcomes further dialogue between Congress, state legislators, the NAIC, insurance companies, and all interested parties regarding what that appropriate role is for the federal government in ensuring that Americans are provided with the opportunity for adequate insurance protection for losses arising from catastrophic natural disasters
- welcomes further dialogue regarding the appropriateness of merging natural and man-made disaster risks in a single mega-catastrophe system
  - will continue to work toward creation of tax-deferred catastrophe reserves

NOW, THEREFORE, BE IT FURTHER RESOLVED that NCOIL does not at this time endorse or reject any particular approach, but believes that an overall investigation of the issue is required and that legislators, regulators, insurers, and others must recognize the time sensitivity of these deliberations;

BE IT ALSO RESOLVED that NCOIL will distribute this resolution to appropriate State and congressional leadership following the 2006 NCOIL Spring Meeting.

# SOUTHERN GOVERNORS' ASSOCIATION

CHAIRMAN
Haley Barbour
Governor of Mississippi

FIRST VICE CHAIRMAN Joe Manchin III Governor of West Virginia

SECOND VICE CHAIRMAN Timothy M. Kaine Governor of Vinginia

EXECUTIVE DIRECTOR Diane C. Duff

#### RESOLUTION

Expressing the sense of the Southern Governors' Association that Congress should adopt legislation to create a national reinsurance plan in order to provide for the availability of reasonably priced property and casualty insurance from private markets to homeowners throughout the nation.

Whereas, every state is vulnerable to natural disasters including hurricanes, tornadoes, flooding, earthquakes, blizzards, crop loss and wildfires;

Whereas, there is an increase in the incidence of major catastrophes and their increasingly costly nature;

Whereas, there have been significant insurance and reinsurance shortages, resulting in dramatic rate increases for consumers and businesses, and the unavailability of catastrophe insurance;

Whereas, Hurricanes Katrina, Rita, and Wilma, which struck the United States in 2005, caused over \$200 billion in total economic losses, including insured and uninsured losses;

Whereas, the United States federal government has provided and will continue to provide billions of dollars and resources to help our nation recover from catastrophes, including hurricanes, tornadoes, earthquakes, blizzards and other disasters, at huge costs to American taxpayers;

Whereas, the United States federal government has a critical interest in ensuring appropriate and fiscally responsible risk management and pre-planning for catastrophes through measures such as mitigation and improved building codes;

Whereas, no action has been taken on the multiple proposals that have been introduced in the United States Congress over the past decade to address catastrophic risk insurance, including the creation of a national catastrophic reinsurance fund and the revision of the Federal tax code to allow insurers to use tax-deferred catastrophe funds;

Now, therefore, be it resolved,

That it is the sense of the Southern Governors' Association that:

The United States Congress should adopt legislation to create a reasonably priced national reinsurance program supported by actuarially sound premiums to provide relief to American homeowners and lower insurance premiums.

Time limited (effective Winter Meeting 2007 through Winter Business Meeting 2009)

HALL OF THE STATES 444 NORTH CAPITOL STREET, NW SUITE 200 WASHINGTON, DC 20001 202/624-5897 FAX 202-624-7797 WWW.SOUTHERNGOVERNORS.ORG Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, Puerto Rico, South Carolina, Tennessee, Texas, U.S. Virgin Islands, Virginia, West Virginia



### Regular Session, 2007 HOUSE CONCURRENT RESOLUTION NO. 17 BY REPRESENTATIVES SCHNEIDER AND SCALISE A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to create a federal catastrophe fund.

WHEREAS, the hurricane seasons of 2004 and 2005 were startling reminders of both the human and economic devastation that hurricanes, flooding, and other natural disasters can cause; and

WHEREAS, creation of a federal catastrophe fund is a comprehensive, integrated approach to help better prepare and protect the nation from natural catastrophes, such as hurricanes, tornadoes, wildfires, snowstorms, and earthquakes; and

WHEREAS, the current system of response to catastrophes leaves many people and businesses at risk of being unable to replace what they lost, wastes tax dollars, raises insurance premiums, and leads to shortages of insurance needed to sustain our economy; and

WHEREAS, creation of a federal catastrophe fund would help stabilize insurance markets following a catastrophe and help steady insurance costs for consumers while making it possible for private insurers to offer more insurance in catastrophe-prone areas; and

WHEREAS, a portion of the premiums collected by insurance companies could be deposited into such a fund which could be administered by the United States Treasury and grow tax free; and

WHEREAS, a portion of the interest earnings of the fund could be dedicated to emergency responder efforts and public education and mitigation programs; and

WHEREAS, the federal catastrophe fund would operate as a "backstop" and could only be accessed when private insurers and state catastrophe funds have paid losses in excess of a defined threshold; and

WHEREAS, utilizing the capacity of the federal government would help smooth out fluctuations consumers currently experience in insurance prices and availability because of exposure to large catastrophic losses and would provide better protection at a lower price; and

WHEREAS, when there is a gap between the insurance protection consumers buy and the damage caused by a major catastrophe, taxpayers across the country pay much of the difference, as congressional appropriations of billions of dollars for after-the-fact disaster relief in the aftermath of Hurricane Katrina demonstrated; and

WHEREAS, there are a number of legislative instruments pending in the current One Hundred Tenth Congress which address the need for a federal catastrophe fund, including the Homeowners Protection Act of 2007 (H.R. 91) and the Commission on Catastrophic Disaster Risk and Insurance Act of 2007 (H.R. 537 and S. 292).

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to create a federal catastrophe fund.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.



## Senate Bill 0118 Florida Senate - 2007 (NP) Senate Memorial

SM 118

A memorial to the Congress of the United States, urging Congress to support a National Catastrophe Insurance Program.

WHEREAS, during the 2004 and 2005 hurricane seasons, the State of Florida was devastated by eight hurricanes and four tropical storms, causing approximately \$35 billion in estimated gross probable insurance losses, and

WHEREAS, the hurricanes from the 2004 and 2005 hurricane seasons produced high winds, coastal storm surges, torrential rainfalls, and flooding resulting in significant damage to Florida and the Gulf Coast states, which resulted in displacement of policyholders from their dwellings, loss of personal belongings and contents, closing of businesses and financial institutions, and temporary loss of employment and created numerous health and safety issues within our local 8 communities, and

WHEREAS, in 1992, Hurricane Andrew resulted in approximately \$20.8 billion in insured losses and was previously the costliest catastrophe in the United States, but Hurricane Katrina alone left the Gulf Coast states with an estimated loss of approximately \$35 billion, and

WHEREAS, natural disasters continually threaten communities across the United States with extreme weather conditions that pose an immediate danger to the lives, property, and security of the residents of those communities, and

WHEREAS, the insurance industry, state officials, and consumer groups have been striving to develop solutions to insure mega-catastrophic risks, because hurricanes, earthquakes, tornadoes, typhoons, floods, wildfires, ice storms, and other natural catastrophes continue to affect policyholders across the United States, and

WHEREAS, on November 16 and 17, 2005, insurance commissioners from Florida, California, Illinois, and New York convened a summit to devise a national catastrophe insurance plan that would more effectively spread insurance risks and help mitigate the tremendous financial damage survivors contend with following such catastrophes, NOW, THEREFORE,

Be It Resolved by the Legislature of the State of Florida:

That the Congress of the United States is urged to support a National Catastrophe Insurance Program. Policyholders require a rational insurance mechanism for responding to the economic losses resulting from catastrophic events. The risk of catastrophes must be addressed through a public-private partnership involving individuals, private industry, local and state governments, and the Federal Government. A national catastrophe insurance program is necessary to promote personal responsibility among policyholders; support strong building codes, development plans, and other mitigation tools; maximize the risk-bearing capacity of the private markets; and provide quantifiable risk management through the Federal Government. The program should encompass:

- (1) Providing consumers with a private market 28 residential insurance program that provides all-perils protection.
- (2) Promoting personal responsibility through mitigation; promoting the retrofitting of existing housing stock; and providing individuals with the ability to manage their own disaster savings accounts that, similar to health savings accounts, accumulate on a tax-advantaged basis for the purpose of paying for mitigation enhancements and catastrophic losses.
- (3) Creating tax-deferred insurance company catastrophe reserves to benefit policyholders. These tax-deferred reserves would build up over time and only be eligible to be used to pay for future catastrophic losses.
- (4) Enhancing local and state government's role in establishing and maintaining effective building codes, mitigation education, and land use management; promoting state emergency management, preparedness, and response; and creating state or multistate regional catastrophic risk financing mechanisms such as the Florida Hurricane Catastrophe Fund.
- (5) Creating a national catastrophe financing mechanism that would provide a quantifiable level of risk management and financing for mega-catastrophes; maximizing the risk-bearing capacity of the private markets; and allowing for aggregate risk pooling of natural disasters funded through sound risk-based premiums paid in correct proportion by all policyholders in the United States.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

# State Of Florida

RESOLUTION

WHEREAS, in 1992, Hurricane Andrew resulted in approximately \$20 billion in insured losses, and was previously the costliest catastrophe in the United States. Hurricane Katrina's estimated losses, alone, for the Gulf Coast states were approximately \$41 billion; and

WHEREAS, during the 2004 and 2005 hurricane seasons, the State of Florida was devastated by eight hurricanes and four tropical storms, causing approximately \$35 billion in estimated gross probable insurance losses; and WHEREAS, billions of dollars in taxpayer-supported government assistance will be paid to help rebuild following catastrophic disasters. Policyholders across the United States are in need of a rational insurance mechanism for responding to the economic losses resulting from catastrophic events. The risk of catastrophes must be addressed through a public-private partnership involving individuals, the private industry, local and state governments, and the federal government; and

WHEREAS, the lack of sufficient insurance capacity threatens to increase the number of uninsured homeowners, which, in turn, increases the risk of mortgage defaults and the strain on the Nation's banking system; and WHEREAS, Florida has taken the necessary preventative measures by creating the Florida Hurricane Catastrophe Fund (FHCF). The FHCF was created to protect and advance the state's interest in maintaining insurance capacity in Florida by providing reimbursements to insurers for a portion of their catastrophic hurricane losses; and WHEREAS, no state is immune to natural disasters. Hurricanes, earthquakes, fornadoes, typhoons, floods, wildfires, ice storms, and other natural catastrophes continue to affect policyholders across the United States; and WHEREAS, the unique risks posed by catastrophic natural disasters make it difficult to provide adequate insurance

coverage through existing insurance mechanisms.

NOW, THEREFORE BE IT RESOLVED that the Governor and Cabinet of the State of Florida do hereby urge Congress to support a

#### National Catastrophe Insurance Program

which is necessary to maximize the risk-bearing capacity of the private markets; and provide quantifiable risk management through and for the federal government.

BE IT FURTHER RESOLVED, the Program should address the following concepts:

- 1) Provide consumers with a federal reinsurance program that covers all-perils, and promotes stability in the homeowners' insurance market.
- 2) Mitigate future economic damages and raise the bar for disaster preparedness and recovery by encouraging states to adopt stronger building codes and emergency response capabilities in order to participate in the plan.
- 3) Create the National Catastrophe Insurance Program to improve the availability of homeowners' insurance for the purpose of facilitating the pooling, and spreading the risk of catastrophic financial losses from natural disasters and to improve the solvency of homeowners' insurance markets.

IN TESTIMONY WHEREOF the Governor and Cabinet of the State of Florida have hereunto subscribed their names and have caused the Official Seal of the State of Florida to be hereunto affixed in the City of Tallahassee on this 17<sup>th</sup> day of July, 2007



## HOUSE OF REPRESENTATIVES- TWENTY-THIRD LEGISLATURE, 2006 HOUSE CONCURRENT RESOLUTION urging Hawaii's congressional delegation to support and secure passage of federal legislation establishing a catastrophic reinsurance fund to support state efforts to keep HOMEOWNERS' disaster INSURANCE affordable.

WHEREAS, the cost of housing in Hawaii continues to increase, and the cost of insurance necessary to secure a mortgage to buy a home in Hawaii is increasing at the same pace; and

WHEREAS, in response to Hurricane Iniki, the Legislature established the Hawaii Hurricane Relief Fund to ensure that hurricane insurance would remain available and affordable if the private market proved unreliable; and

WHEREAS, after Hurricane Andrew in 1992 and the collapse of Florida's insurance market, state officials began proposing some kind of federal backstop; and

WHEREAS, the message the states took to the United States Congress was that no one in America is immune to natural catastrophe and nearly every property owner could benefit if the federal government implemented a catastrophic insurance fund to spread the liability for the worst of disasters; and

WHEREAS, relieving private insurers of the vast uncertainty of covering the worst natural disasters will encourage more capital investment in the market, will bring more insurers into the market, and competition will cause prices to stabilize or drop; and

WHEREAS, states that are not regularly exposed to the risk of natural disaster did not support federal catastrophic fund legislation and Congress failed to act; and

WHEREAS, more than a thousand Gulf Coast residents lost their lives in Hurricanes Katrina and Rita in 2005, tens of thousands were left homeless, and hurricanes, earthquakes, tornadoes, and other natural disasters continue to pose a threat to every corner of America; and

WHEREAS, all taxpayers are paying for the recovery efforts in the Gulf and, while Florida may be hit by hurricanes and California by earthquakes, homeowners across the nation will face ever growing insurance premiums because of these huge disasters and the evermore interdependent national economy; and

WHEREAS, pending federal legislation encourages states to create catastrophic funds by providing a federal backstop for those that do in the form of lower-cost reinsurance to the state catastrophic funds, thus reducing the cost of homeowners' insurance to those around the country; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, the Senate concurring, that Hawaii's congressional delegation is urged to support and secure passage of federal legislation establishing a catastrophic reinsurance fund to support state efforts to keep homeowner's disaster insurance affordable; and

BE IT FURTHER RESOLVED that the state Insurance Commissioner is requested to work together with counterparts from other states and the National Association of Insurance Commissioners to support and secure passage of the federal legislation; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to each member of Hawaii's congressional delegation and the state Insurance Commissioner.

